

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff/
Counterclaim-Defendant

vs.

INTUITIVE SURGICAL, INC.,

Defendant/
Counterclaimant.

Case No.: 3:21-cv-03496-VC

**DECLARATION OF EXPERT WITNESS
LOREN K. SMITH, PH.D. IN SUPPORT
OF INTUITIVE SURGICAL, INC.'s
OPPOSITION TO PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT AND CROSS-MOTION
FOR SUMMARY JUDGMENT**

Judge: The Honorable Vince Chhabria

I, LOREN K. SMITH, declare as follows:

1. I have been retained by Intuitive's attorneys as an economic expert in this case. I have personal knowledge of the facts set forth herein, and if called to testify, I could and would testify competently thereto.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of my expert antitrust merits rebuttal report (dated January 18, 2023) in this matter. I hereby incorporate my expert report and the opinions stated within, by reference herein.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

DATED: April 11, 2023

A handwritten signature in black ink, reading "Loren K. Smith", written over a horizontal line.

LOREN K. SMITH